IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO. 59 OF 2006

THE COMMISSIONER OF INCOME TAX, PANAJI-GOA. ....Appellant

Versus

M/S. SALGAOCAR MINING INDUSTRIES LTD., MARGAO-GOA. ....Respondent

Mr. S. R. Rivankar, Advocate for the appellant.

Ms. Amina Fadte, Advocate for the respondent.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 13th November, 2006

P.C.

This appeal has been preferred by the Revenue impugning the order dated 15.12.2005 passed by I.T.A.T. The Appeal is under section 260-A of the Income Tax Act and the appellant has raised two substantial question of law.

In view of the fact that the tribunal having disposed of the matter by placing reliance on the decision of Karnataka High Court in Kwality Biscuits Ltd v. Commissioner of Income Tax, 243 Income Tax Reports 519 in favour of the assessee which view has been approved by the Supreme Court in Commissioner of Income Tax v. Kwality Biscuits Ltd [2006] 284 ITR 434 (SC). The decision of this Court having distinguished the case of Commissioner of Income Tax v. Kwality Biscuits in the case of Commissioner of Income Tax v. Kotak Mahindra Finance Ltd. (Bom). 2004 Income Tax Reports Vol.265 page 119, on the basis of which the Revenue has raised substantial question of law it no

more survives and therefore the appeal is summarily dismissed.

J. N. PATEL, J.

N. A. BRITTO, J.

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